

Application No. 09/852,877
Filed: 5/10/2001
Attorney Docket No.: 23140-1

REMARKS

Claims 1, 2, 4, 5, 7-14, 19 and 34 are now presented for examination. Claims 3, 6, 15-18 and 20-33 have been cancelled without prejudice and without disclaimer of subject matter.

Claims 1, 4, 7, 8, 10-14, 19 and 34 have been amended. No new matter has been added.

Initially, Applicant thanks the Examiner for taking the time to speak with Applicant's undersigned representative on May 6, 2004 to discuss the subject Application. The claims have been carefully reviewed and amended in accordance with the Examiner's helpful suggestions. Applicant believes that the claims presented for examination address the Examiner's concerns and are now in condition for allowance.

Claims 1 and 12 are independent.

On page 2 of the Office Action, Claims 1 and 12 were rejected under 35 U.S.C. § 112 as having terms lacking antecedent basis. Claims 1 and 12 have been amended to ensure proper antecedent basis for all claimed elements. Applicant therefore respectfully requests the withdrawal of this rejection.

Also on page 2 of the Office Action, Claims 12-26 and 30-33 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 15-18, 20-26 and 30-33 have been cancelled, thereby rendering the rejections of these claims moot. Claim 12, the independent base claim of Claims 13, 14 and 19, has been amended to clearly recite the relationship between the first tangible record and the second tangible record as well as the purpose of the first and second tangible records. Accordingly, Applicant respectfully asserts that the amendments to Claim 12 obviate the rejection under 35 U.S.C. § 112, second paragraph. Applicant requests that this rejection be withdrawn.

On pages 3-4 of the Office Action, Claims 20-21 and 31-32 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,540,138 (Hall). Claims 20-21 and 31-32 have been cancelled without prejudice and without disclaimer of subject matter, thereby rendering the rejections to these claims moot.

Claims 1-9 and 12-19 were rejected on pages 4-9 of the Office Action under 35 U.S.C. § 103(a) as obvious from U.S. Patent No. 5,875,432 (Sehr) in view of Hall. Amended independent Claims 1 and 12 are believed patentable over Sehr and Hall, whether taken alone or in combination.

Application No. 09/852,877
Filed: 5/10/2001
Attorney Docket No.: 23140-1

Features of the system of amended independent Claim 1 include a software component arranged to "assign a unique identifier corresponding to an official ballot, the *unique identifier being assigned based on a user's act of voting*; store a user's voting choices and corresponding unique identifier in a tabulation database; and cause the computer to output on the output device: a voting stub, the voting stub including the unique identifier; and the official ballot, the official ballot including the unique identifier corresponding to the official ballot and the user's voting choices, wherein the *unique identifier on the voting stub is visible to allow the user to access the tabulation database to verify the integrity of the user's voting choices as printed on the official ballot after the official ballot has been tabulated*" (emphasis added).

Applicant's invention advantageously provides a system which, as recited in amended Claim 1, obtains and stores a user's vote in a database and also prints two records. One printed record is a copy of the user's vote printed on a tangible, e.g., paper, record and the second is a printed receipt given to the user. A unique identifier is assigned to the vote based on the act of voting which is used to reference to the vote stored in the database. The unique identifier is also printed on both the paper record of the vote (official ballot) and the receipt given to the user (voting stub). Because the user has a paper voting stub record with the unique identifier, the user can, subsequent to the vote tabulation, use the unique identifier to access the electronic tabulation database to verify the integrity of the vote he/she cast. If the user believes there is a discrepancy, voting officials can use the unique identifier to reference and pull the corresponding paper record official ballot and check the paper record against the electronic record in the tabulation database to ensure that the electronic record is the same as the vote on the official ballot cast by the user.

Neither Sehr nor Hall, whether taken alone or in combination, teach these features.

Sehr relates to a voting system which authenticates voters and voting centers (not the votes cast by the users) and teaches collecting and tabulating, at a central location, the electronic votes cast at the voting center. As stated on page 4 of the Office Action, "Sehr does not explicitly disclose 'assign a unique identifier corresponding to the official ballot, output a voting stub and the official ballot on the output device, the official ballot and the voting stub including the unique identifier'." Sehr does not provide a voting stub to the user. Sehr therefore does not teach or suggest an arrangement in which a "unique identifier on the voting stub is visible to allow the user to access the tabulation database to verify the integrity of the user's voting choices

Application No. 09/852,877
Filed: 5/10/2001
Attorney Docket No.: 23140-1

as printed on the official ballot after the official ballot has been tabulated." Accordingly, Sehr makes no provision for the above described voting verification system.

Hall also does not teach or suggest the above-described features of amended independent Claim 1. While Hall teaches issuing a receipt to the voter in which the receipt contains a bar code with the user's vote, Hall does not teach or suggest that the voter can use the receipt "*to access* the tabulation database to verify the integrity of the user's voting choices as printed on the official ballot after the official ballot has been tabulated". Hall teaches only that the voter's receipt is used as the basis for a recount (col. 5, lines 19-23) for creating a new voting tally. As is described above, Applicant's system advantageously allows the voter to take the voting stub (receipt) with him/her so that, once the official ballot cast by the user has been counted and results included in the official tabulation database, the voter can use the unique identifier to verify that the vote in the official tabulation database is the vote that the voter actually cast during the election.

In addition, Hall's bar code is used to encode the details of the vote cast by the voter (col 3., lines 28-30, col. 5, lines 45-46 and lines 62-64) and is not a bar string encoded version of a unique identifier. Rather, Applicant's unique identifier is assigned based on a voting act and is used to reference a vote in a voting results database for subsequent verification that the vote recorded in the voting results database corresponds to the vote cast by the user during the election. Accordingly, Applicant's method is more efficient and secure than Hall's voting method because Applicant's method does not require encoding of the actual voting data on the stub in order to preserve the integrity of the vote. Further, tampering with Applicant's voting stub cannot adversely impact the integrity of the vote because the actual voting data is stored in a separate voting database.

Put another way, Hall's voting receipt (the receipt given to the voter) is itself used to establish the results of recount (col. 5, lines 19-23) through the actual voting data printed on the receipt (in the form of a PDF417 bar code). Losing Hall's receipt disadvantageously prevents accurate verification and recount. In contrast, because Applicant's stub does "not include[e] the voter's voting instructions", loss of the stub does not impact the ability to recount the vote.

In addition, the Office Action takes the position that Hall's bar code somehow corresponds to Applicant's claimed "unique identifier". Although Applicant's "unique

Application No. 09/852,877
Filed: 5/10/2001
Attorney Docket No.: 23140-1

identifier" printed on the official ballot retained by the voting authority and the stub retained by the voter *can be* embodied in the form of a bar code, such is not necessarily the case.

Applicant's "unique identifier" can be printed on the official ballot and stub in the form of an alphanumeric character string, series of symbols, etc.

As an additional argument in favor of patentability, Applicant respectfully points out that neither Sehr nor Hall teach or suggest the above-described features and there is simply nothing provided in either reference which would motivate one of ordinary skill to combine these references to arrive at Applicant's claimed invention. In addition, the Office Action provides no explanation as to why one of ordinary skill in the art would be motivated to combine Hall and Sehr and where such motivation can be found in the cited references.

Applicant respectfully asserts that independent Claim 1, as amended, is patentable over Hall and Sehr, whether considered separately or in combination because (1) neither references teaches or suggests the above-described features and (2) neither reference provides any motivation to combine the references to arrive at Applicant's invention. Accordingly, Applicant believes Claim 1 is patentable and requests the withdrawal of the rejection of this claim.

Amended independent Claim 12 is likewise believed patentable over Sehr and Hall. Feature of amended independent Claim 12 include "using the unique identifier to allow the voter to confirm that the second tangible record represents the vote intended to be cast by the voter by allowing the user to access the database using the unique identifier." As discussed above with respect to Claim 1, neither Sehr nor Hall teaches or suggests these features.

As discussed above, Sehr does not teach or suggest providing a record of the response, e.g. a stub, for retention by the user so Sehr does not teach that any information is or is not provided on the voter's stub. As stated on page 7 of the Office Action, Sehr does not teach or suggest "using the unique identifier to allow a user to confirm that the second tangibles (sic) record represents accurate user intent." Accordingly, Sehr does not teach or suggest any method by which a user can confirm that the "second tangible represents the vote intended to be cast by the user." Also as discussed above, Hall does not teach any such method. Specifically, Hall does not teach "using the unique identifier to allow the voter to confirm that the second tangible record represents the vote intended to be cast by the voter by allowing the user to access the database using the unique identifier" as recited in amended Claim 12.

Application No. 09/852,877
Filed: 5/10/2001
Attorney Docket No.: 23140-1

As an additional argument in favor of patentability, as with Claim 1, Applicant respectfully points out that nothing provided in either the Hall or the Sehr reference which would motivate one of ordinary skill to combine these references to arrive at Applicant's claimed invention as recited in Claim 12. In addition, the Office Action provides no explanation as to why one of ordinary skill in the art would be motivated to combine Hall and Sehr and where such motivation can be found in the cited references.

For at least the reasons described above, Claim 12 is believed to be patentable. Applicant therefore respectfully requests that the rejection to Claim 12 be withdrawn.

Claims 22-27, 30 and 33 were rejected on pages 10-11 of the Office action under 35 U.S.C. § 103(a) as obvious from Hall in view of McClure. These claims have been cancelled without prejudice and without disclaimer of subject matter, thereby rendering this rejection moot.

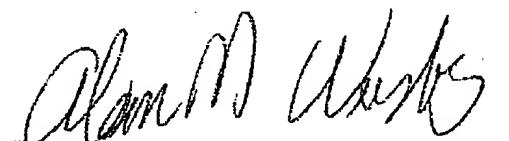
Claims 10-11 and 34 were rejected on pages 9-10 of the Office action under 35 U.S.C. § 103(a) as obvious from Sehr in view of Hall and in view of U.S. Patent No. 6,250,548 (McClure). These claims as well as Claims 2, 4, 5, 7-9, 13, 14 and 19 are each dependent either directly or indirectly from one or another of independent Claims 1 and 12, discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1, 2, 4, 5, 7-14, 19 and 34 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

Application No. 09/852,877
Filed: 5/10/2001
Attorney Docket No.: 23140-1

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,



Date: May 18, 2004

Alan M. Weisberg
Reg. No.: 43,982
Attorney for Applicant
Christopher & Weisberg, P.A.
200 East Las Olas Boulevard, Suite 2040
Fort Lauderdale, Florida 33301
Customer No. 31292
Tel: (954) 828-1488
Fax: (954) 828-9122

20113